

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LUCIANO TONELLI,)
Plaintiff,) CASE NO. C06-698-TSZ-JPD
v.)
SGT. AUTRY, *et al.*,) ORDER DENYING PLAINTIFF'S
Defendants.) MOTION FOR RECONSIDERATION

Plaintiff is a Washington state prisoner proceeding *pro se* and *in forma pauperis* in this action brought pursuant to 42 U.S.C. § 1983. The court denied plaintiff's motion for appointment of counsel on June 5, 2006. (Doc. #5). On June 14, 2006, plaintiff filed a second motion for appointment of counsel (Doc. #10), which the court hereby construes as a motion for reconsideration of the Order denying plaintiff's initial motion for appointment of counsel. Having reviewed plaintiff's motion for reconsideration, and the balance of the record, the court does hereby find and ORDER as follows:

(1) Petitioner's motion for reconsideration of the Order issued June 5, 2005 is DENIED. Petitioner has failed to show any manifest error in the prior ruling or present any new facts or legal authority that warrant reconsidering the motion for appointment of counsel. *See Local Rule CR 7(h).* As before, plaintiff has neither demonstrated a likelihood of success on the merits nor shown that, in light of the complexity of the legal issues involved, he is unable to articulate his claims himself. Accordingly, plaintiff has not demonstrated that this case involves exceptional circumstances that warrant appointment of counsel. *See Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986).

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1 (2) The Clerk is directed to send copies of this Order to plaintiff and to the Honorable
2 Thomas S. Zilly.

3 DATED this 29th day of June, 2006.

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5 JAMES P. DONOHUE
6 United States Magistrate Judge

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